

Law Clerk's Copy

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE, Plaintiff

ROBERT W. MEYERS, et al.
Defendants

No. 1:CV-00-0895

(M.J. Smyser)

FILED
HARRISBURG, PA

JAN 17 2001

MARY E. D'ANDREA, CL
Per SK
Deputy Clerk

MOTION FOR SANCTIONS

Plaintiff Terrance Montague requests sanctions (including reasonable expenses), a Protective Order, and an investigation conducted against Defendants for the following reasons:

1. Defendants failure to comply with this Courts Order of December 18, 2000, and provide said documents.
2. The Defendants had Plaintiff shipped to SCI-Waymart for a Mental Health Evaluation from 12/27/00 - 1/11/01, where plaintiff was never under any Mental Health treatment in the past, does not seek any now, is in possession of all his mental faculties, and where plaintiff asked the staff at SCI-Waymart why he was there and he was told that said evaluation was Ordered by Mr. Martin Horn, where said transfer was the cause of the Deposition on 1/4/01 to be canceled, and where Defendants now have moved for a later Deposition date and time.

BRIEF IN SUPPORT

1. Rule 16. Pretrial Conferences; Scheduling; Management, of the Federal Rules of Civil Procedure provides for sanctions if a party or party's attorney fails to obey a scheduling or pretrial order, or fails to participate in good faith, where the judge, upon motion or the judge's own initiative, may make such orders with regard thereto as are just.
2. Rule 26. General Provisions Governing Discovery, of the Federal Rules of Civil Procedure provide for the granting of a Protective Orders.
3. Rule 30. Depositions Upon Oral Examination, of the Federal Rules of Civil Procedure provides for expenses for failure of a party giving the notice to attend of a deposition to attend and proceed therewith.
4. Rule 37. Failure to Make or Cooperate in Discovery: Sanctions, of the Federal Rules of Civil Procedure provides for the granting of sanctions for failure to comply with a Court Order.

Dated: 1-12-01

Terrance Montague, BZ-2761
Box A, Bellefonte, PA

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